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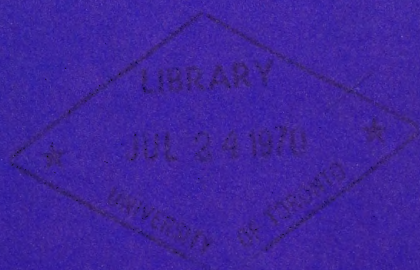
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Legislative Assembly Committee

**The Second Report
of the Select Committee
on Election Laws**




October, 1969



Legislative Assembly [Committee]

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To The Members of The Legislative Assembly of Ontario:

The Select Committee on Election Laws herewith presents its second report.

Your Committee recommends the following amendments to Schedule III of its first report:

1. THAT Section 1 (d) be amended to read as follows:
 1. (d) "corrupt practice" in connection with elections conducted under this Act means bribery or any act declared to be a corrupt practice by the law of Ontario and Canada.
2. THAT Section 1 (s) be amended to read as follows:
 1. (s) "revising agent" means a person appointed pursuant to Section 4, with like qualifications as a returning officer, for the purpose of assisting the returning officer with the revision of the voters' lists.
3. THAT Section 1 (t) will be the former 1 (s).
4. THAT Section 4 (5) be amended to read as follows:
 4. (5) Subject to the approval of the Chief Election Officer every returning officer may provide for such clerical and other assistance as is necessary in the performance of his duties including the appointment of such number of revising agents as may be required in the revision of the voters' lists and who shall, upon being appointed, take and subscribe the prescribed oath.
5. THAT Section 8 be amended to read as follows:
 8. The returning officer shall divide his electoral district into polling subdivisions in accordance with the instructions of the Chief Election Officer and shall, so far as is practicable, adopt the municipal polling subdivisions.
6. THAT Section 21 (1) (b) be amended to read as follows:
 - 21.—(1) (b) The prescribed hours and days of the week during which he and any appointed revising agents will be in their offices to revise the voters' lists and the date of the last day on which the voters' lists will be revised.

7. THAT Section 22 (1) be amended to read as follows:

22.—(1) Any voter whose name is omitted from the list of voters as prepared by the enumerators, or any person who has knowledge of the fact that the name or names of any other voter or voters has or have been so omitted, may so inform the returning officer, stating the names and addresses of the voters so omitted.

8. THAT Section 23 be amended to read as follows:

23. The returning officer or any appointed revising agent shall permit to be present in his office during the hours of revision a representative of each recognized and opposed political interest in the electoral district but no such representative, except with the permission of the returning officer or revising agent, has any right to take part or intervene in the proceedings.

9. THAT Section 24 be amended to read as follows:

24. When the language of the applicant is not understood by the returning officer or any appointed revising agent, an interpreter may be sworn and may act, but in the event of inability to secure an interpreter, the application shall, for the time being, be refused.

10. THAT Section 25 (1), (2), (3) and (4) be amended to read as follows:

25.—(1) A person resident in any polling subdivision whose name has not been included or has been incorrectly included by the enumerator in the list of voters for such subdivision, may apply to the returning officer or any appointed revising agent to have his name included in the list or to cause the entry in the list relating to him to be corrected.

(2) Every person so applying shall sign an application in which all the information shall be sufficiently filled in, either by the applicant personally or by the returning officer or any appointed revising agent at the applicant's request, and before entering the name of the person in the list of voters or before correcting the list, as the case may require, the returning officer or any appointed revising agent shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have his name included on the list or to have the list corrected pursuant to his request.

(3) If a person who claims to be entitled to have his name included in the list of voters or to have the entry relating to him therein corrected is unable to attend in person by reason of sickness,

disability, or necessary, temporary, unavoidable and *bona fide* absence from the electoral district, then a relative of such person by blood or marriage or his employer may appear before the returning officer or any appointed revising agent and complete the application to have such person's name included in the list of voters or to have the list corrected, as the case may be.

(4) If the relative by blood or marriage or the employer so appearing substantiates,

- (a) the cause for the non-appearance of the person immediately concerned to be as set out in subsection 3;
- (b) the existence of a relationship by blood or marriage or the relationship of employer and employee; and
- (c) the fact relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of the person to be included in the list of voters or to cause the list to be corrected, as the case may be,

the returning officer or any appointed revising agent may act upon the application as if the person immediately concerned had appeared in person before him. R.S.O. 1960, c. 420, s. 74 (1-4).

11. THAT Section 26 be amended to read as follows:

26.—(1) Within four days after the distribution of the printed lists of voters to the candidates, a person whose name has been entered on any of the polling subdivision lists in the electoral district may file with the returning officer or any appointed revising agent a complaint that there has been included in the list as compiled by the enumerators the name or names of persons who should not be entered therein.

(2) Any person whose name appears in the list of voters for any polling subdivision in the electoral district may make oath before the returning officer or any appointed revising agent giving particulars,

- (a) of the list upon which his name appears;
- (b) stating that he is qualified to vote in the electoral district; and
- (c) alleging the death, disqualification, or real residence and appearance on another list, of any person on the list for any of the polling subdivisions in the electoral district.

- (3) The returning officer or any appointed revising agent upon receipt of the complaint or upon oath being made before him as provided in subsection 1 and 2 shall forthwith cause to be transmitted by registered mail to the person objected to at the address mentioned in the list and to such other address, if any, as may be mentioned in the prescribed oath, a notice requiring such person to appear in person or by his representative before him on a day to be named in the notice.
- (4) There shall be transmitted with the notice a copy of the complaint or oath of the voter making the complaint or oath.
- (5) Upon the day for which notice of the hearing has been given, the person filing the complaint or making the oath shall attend before the returning officer or any appointed revising agent and establish to his satisfaction the validity of such complaint or the particulars contained in his oath and the returning officer or any appointed revising agent, after receiving an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the complaint or oath was made, may make such order as to him appears just under the circumstances.

12. THAT Section 27 be amended to read as follows:

- 27. If it appears to the returning officer or any appointed revising agent that the applicant understands the effect of the statements in the application and that the applicant's name should be included in the list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application. R.S.O. 1960, c. 420, s. 79.

13. THAT Section 28 be amended to read as follows:

- 28. If, in the opinion of the returning officer, or any appointed revising agent, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list or to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. R.S.O. 1960, c. 420, s. 80.

14. THAT Section 29 be amended to read as follows:

- 29. The name of a person shall not be removed from the enumerators' list unless the returning officer or any appointed revising agent is satisfied on oath that due notice of complaint has been given to the person or that the person could not be found and the registered notice could not be delivered. R.S.O. 1960, c. 420, s. 81.

15. THAT Section 30 be amended to read as follows:

30. The returning officer or any appointed revising agent shall not remove any name from the enumerators' list or make any other changes therein except as provided in Section 22 or upon evidence under oath. R.S.O. 1960, c. 420, s. 82.

16. THAT Section 31 be amended to read as follows:

31. The decision of the returning officer or any appointed revising agent in regard to the right of a person to vote, or as to the right to enter on or strike from the lists the name of a person as a voter, is final. R.S.O. 1960, c. 420, s. 5.

17. THAT Section 32 be amended to read as follows:

32. The returning officer shall enter in the proper polling subdivision list in his electoral district the names and addresses of the voters that are added by him to the list and such other corrections as are made by appending thereto his initials and a note of the date of the amendment and the resulting list shall be referred to as the revised polling subdivision list.

18. THAT Section 33 be amended to read as follows:

- 33.—(1) Each returning officer shall prepare a statement of changes and additions and where there is more than one candidate in an electoral district the returning officer for that district shall prepare a set for each candidate.
- (2) A set shall consist of an original and five clear copies.
- (3) Each copy shall be certified by the returning officer as a true copy of the original.

19. THAT Section 34 be amended to read as follows:

- 34.—(1) The returning officer shall prepare the certified revised polling subdivision list by attaching to the revised polling subdivision list one of the copies of the statement of changes and additions relating thereto.
- (2) The returning officer shall certify that the list prepared as directed by sub-section (1) is the official polling list for the polling sub-division to which it relates.
- (3) If an error in the certified revised polling subdivision list is discovered the returning officer shall furnish a certificate of the error to the deputy returning officer and to each candidate and the certified revised polling subdivision list shall, for all purposes, be taken to have been amended in accordance with the certificate.

20. THAT Section 37 (4) and (5) be amended to read as follows:

37.—(4) A person who has been appointed a voting proxy may apply to the returning officer or any appointed revising agent to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote.

(5) The returning officer, or any appointed revising agent on any day up to and including the last day of the revision, shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall give a certificate across the face of the appointment of the voting proxy to that effect and shall cause the name of the voting proxy to be entered on the polling list after the name of the person appointing the proxy.

21. THAT Section 39 be amended to read as follows:

39. No person who has been engaged as returning officer, revising agent or enumerator in the preparation of the lists of voters to be used at the election is eligible as a candidate at the election. R.S.O. 1960, c. 118, s. 2 (2).

22. THAT Section 60 (3) be amended to read as follows:

60.—(3) The returning officer may at his discretion refuse such a certificate unless requested to do so at least forty-eight hours before polling day.

23. THAT Section 139 be deleted.

24. THAT Sections 140 to 150 be renumbered appropriately.

